

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

2 Charles K. Verhoeven (Bar No. 170151)

2 David A. Perlson (Bar No. 209502)

3 Deepak Gupta (Bar No. 226991)

3 50 California Street, 22nd Floor

4 San Francisco, California 94111

4 Telephone: (415) 875-6600

5 Facsimile: (415) 875-6700

5 Evette D. Pennypacker (Bar No. 203515)

6 555 Twin Dolphin Drive, Suite 560

7 Redwood Shores, CA 94065

7 Telephone: (650) 501-5000

8 Facsimile: (650) 501-5001

8 Attorneys for Defendants

9 REALNETWORKS, INC. AND LISTEN.COM

10

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14

15 FRISKIT, INC.,

16 Plaintiff,

17 vs.

18 REALNETWORKS, INC., et al.,

19 Defendants.

CASE NO. 03 05085 (WWS)

[PROPOSED] ORDER REGARDING: (1) THE IDENTIFICATION OF NEW WITNESSES BY DEFENDANTS; AND (2) DEFENDANTS' SUBPOENA TO MICROSOFT

20

21

22

23

24

25

26

27

28

1 By letter brief dated April 17, 2007 Plaintiff Friskit raised issues concerning Defendants'
 2 April 12, 2007 service of Supplemental Initial Disclosures and Defendants' service on April 13,
 3 2007 of a subpoena for the production of documents and a deposition of Microsoft Corporation on
 4 April 24 and April 27, respectively. On April 23, 2007, the Court notified the parties it would
 5 hold a hearing on Plaintiff's letter brief on April 24 at 10:00 a.m. Defendants responded to
 6 Plaintiff's letter brief the evening of April 23, 2007. On April 24, 2007, the Court conducted the
 7 telephonic conference concerning the issues raised in the letters. At the April 24, 2007 telephonic
 8 conference, Friskit requested an extension of time in which to file its statements of expert
 9 testimony due April 27, 2007.

10 IT IS HEREBY ORDERED THAT:

11 1. Plaintiffs' request to bar Defendants from calling Anu Kirk and Bob Kimball at trial
 12 is granted.

13 2. Plaintiff's request for a protective order as to Defendants' April 2007 subpoena on
 14 Microsoft Corporation is granted. Defendants counsel shall notify Microsoft Corporation of the
 15 issuance of the Protective Order.

16 3. Friskit's request for a two week extension to file its statements of expert testimony
 17 due April 27, 2007 is denied without prejudice.

18 IT IS SO ORDERED.

19
 20 Dated: June 1, 2007

21 
 WILLIAM W. SCHWARZER
 Senior United States District Judge